Remarks/Arguments

In the non-final Office Action dated August 22, 2008, it is noted that claims 1-11 are pending and that claims 1-11 stand rejected under 35 U.S.C. §103.

By this response, claim 3 has been amended to correct a typographical error. No new matter has been added.

Cited Art

The following references have been cited and applied against the claims in the present Office Action: U.S. Patent 6,816,502 to Ekl et al. (hereinafter "*Ekl*"); U.S. Patent Application Publication No. 2003/0125087 to Shimizu (hereinafter "*Shimizu*"); and U.S. Patent Application Publication No. 2005/0157745 to Fujii et al. (hereinafter "*Fujii*").

Rejection of Claims 1-2, 5-6, and 9-11 under 35 U.S.C. §103

Claims 1-2, 5-6, and 9-11 stand rejected under 35 U.S.C. §103 as being unpatentable over Ekl in view of Shimizu. This rejection is respectfully traversed.

Claims 1, 5, 9, and 11 are independent method claims. Claim 2 depends from claim 1; claim 6 depends from claim 5; and claim 10 depends from claim 9.

Claim 1 calls, in part, for, "signalling the unavailability of the bridge terminal by means of a power saving signal of the communication network." Claims 5, 9, and 11 include a substantially identical limitation to the one quoted above for independent claim 1. In view of this similarity, the following remarks will be focused on claim 1 and will be understood to pertain equally to independent claims 5, 9, and 11.

Ekl has been described in the Office Actions and in the prior response. In the present Office Action, it is admitted that Ekl does not disclose "signalling the unavailability of the bridge terminal by means of a power saving signal of the communication network," defined in claim 1. The present Office Action seeks to remedy this deficiency in the teaching of Ekl by adding Shimizu.

Ekl presents an environment in which an access point (AP) communicates with first and second sets of mobile subscribers or stations (MS), wherein the AP communicates with each set on a different frequency. Various sets of parameters appear to be exchanged in communications between the AP and the sets of MSs. Timers are set in the communication protocol so that, when the first timer expires, the AP can revert to a sleep mode. Entry into the sleep mode is not

communicated by Ekl's AP. Instead, the expiration of the first timer, which measures the group aggregate time, is alone used for the AP to enter the sleep mode.

It is improper to add Shimizu to Ekl, because Shimizu is quite different from Ekl in many respects. For example, Shimizu is not concerned with an AP that communicates with separate networks of MSs and the AP in Shimizu does not change frequencies to communicate with the stations. Contrary to the teachings of Ekl, Shimizu appears to teach a single network in which an AP is dedicated to communication with several subscriber stations on a single frequency. Shimizu does not have an AP that must switch frequencies to move from one network of stations to another network of subscriber stations. In this insular environment, Shimizu is concerned with handling communications with these subscriber stations by either a distributed coordination function (DCF) or a point coordination function (PCF).

Even if it were proper to combine Shimizu to Ekl, an assumption with which Applicants neither acquiesce to nor agree with, the resulting combination would still not teach all the limitations of claim 1.

Particularly, the combination of Shimizu and Ekl still fails to teach, show, or suggest "signalling the unavailability of the bridge terminal by means of a power saving signal of the communication network," defined in claim 1. Shimizu appears to teach that the subscriber station, **as opposed to the access point**, signals its entry into a power saving mode. *See Shimizu at paragraphs [0108]-[0109].* Shimizu's access point provides no such information about entering a power saving mode. In fact, Shimizu does not appear to teach or even suggest that the access point enters a power saving mode. Thus, Shimizu can only be construed as teaching that the communication is from the subscriber station to the access point with respect to power saving mode information. It should be noted that Shimizu makes it clear that such information is factored into a calculation **by the access point** the so-called CFP Max Duration. Since Shimizu uses power saving mode information from the subscriber stations in this calculation and since Shimizu clearly and incontrovertibly states that the communication of this information is **from the subscriber station to the access point**, it would be improper and incorrect to interpret Shimizu otherwise. In other words, Shimizu's subscriber station communications are not to be interpreted as applicable to or indicative of access point communications.

In light of these remarks, it is believed that independent claims 1, 5, 9, and 11 and the claims dependent thereon would not have been obvious to a person of ordinary skill in the art

upon a reading of Ekl and Shimizu, either separately or in combination. Thus, it is submitted that claims 1-2, 5-6, and 9-11 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Rejection of Claims 3 and 7 under 35 U.S.C. §103

Claims 3 and 7 stand rejected under 35 U.S.C. §103 as being unpatentable over Ekl and Shimizu further in view of Fujii. This rejection is respectfully traversed.

Claim 3 depends ultimately from claim 1 and claim 7 depends directly from claim 5. The patentable distinctions between the independent claims and the combination of Ekl and Shimizu have been discussed above and will not be repeated herein.

Fujii has been added to the combination of Ekl and Shimizu because the latter references are said to lack any disclosure of the limitation that "jitters in the predetermined duration are compensated over a plurality of switching cycles by controlling the switching", as defined in claims 3 and 7. Even if Fujii were assumed for the sake of argument to cure this deficiency in the teachings of Ekl and Shimizu, an assumption with which Applicants neither acquiesce to nor agree with, the resulting combination of Fujii, Ekl, and Shimizu would still fail to teach, show, or suggest "signalling the unavailability of the bridge terminal by means of a power saving signal of the communication network", defined in base independent claims 1 and 5. Fujii does not cure the defects noted above in the teachings of Ekl and Shimizu. Fujii appears to teach the allocation of transmission rights to subscriber stations in a network with no apparent discussion of power saving mode signalling. Thus, Fujii, Ekl, and Shimizu do not teach, show, or suggest all the limitations defined in the claims.

In light of these remarks, it is believed that independent claims 3 and 7 would not have been obvious to a person of ordinary skill in the art upon a reading of Ekl, Shimizu, and Fujii, either separately or in combination. Thus, it is submitted that claims 3 and 7 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Rejection of Claims 4 and 8 under 35 U.S.C. §103

Claims 4 and 8 stand rejected under 35 U.S.C. §103 as being unpatentable over Ekl and Shimizu further in view of admitted prior art. This rejection is respectfully traversed.

Claim 4 depends directly from claim 1 and claim 8 depends directly from claim 5.

The admitted prior art does not cure the deficiencies in Ekl and Shimizu discussed above with respect to the independent base claims. Therefore, the combination of Ekl with the admitted prior art does not teach, show, or suggest all the elements in claim 4, which is dependent from claim 1, and claim 8, which is dependent from claim 5.

In light of these remarks and the patentable distinctions discussed above with respect to the independent claims, it is believed that claims 4 and 8 would not have been obvious to a person of ordinary skill in the art upon a reading of Ekl, Shimizu, and the admitted prior art, either separately or in combination. Thus, it is submitted that claims 4 and 8 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

/Brian S. Myers/
By: Brian S. Myers
Registration No. 46,947
For: Larry Liberchuk
Registration No. 40,352

Mail all correspondence to:

Larry Liberchuk, Registration No. 40,352
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
November 24, 2008